

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-626-C - ORDER NO. 92-234
MARCH 31, 1992

IN RE: Application of Southern Bell Telephone and Telegraph Company to Avail Itself of Incentive Regulation of its Intrastate Operations.

) ORDER
) DENYING
) PETITIONS
) FOR REHEARING
) AND
) RECONSIDERATION

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of separate Petitions for Rehearing and Reconsideration filed on behalf of Steven W. Hamm, Consumer Advocate for the State of South Carolina (the Consumer Advocate) and South Carolina Cable Television Association (SCCTA), respectively. Both Petitions allege that the Commission approved an Incentive Regulation Plan for Southern Bell Telephone and Telegraph Company (Southern Bell) in the instant Docket by Order No. 91-595, issued on August 20, 1991. Further, the Petitions recognize that Southern Bell has appealed various portions of that Order relating to certain matters; the Consumer Advocate has appealed certain portions of the Order relating to the Commission's approval of the Incentive Regulation Plan; and the SCCTA has similarly filed an appeal concerning the approval of the Incentive Regulation Plan. Both parties state that in order to preserve the issues on appeal, they must object to the

Commission's decision to allow Southern Bell to begin operations under an Incentive Regulation Plan effective January 1, 1992, until there is a resolution of the issues on appeal in their filed actions. Both Petitions then allege certain errors in the Commission's decision in Order No. 92-89.

The errors alleged by both the SCCTA and the Consumer Advocate are basically the same as those raised in their Petitions for Reconsideration of prior decisions of this Commission in the instant Docket and which were adequately addressed by Order No. 91-866, issued October 2, 1991.

The Commission finds that its Order adequately sets forth sufficient findings of fact and conclusions of law and that there was no requirement through Order No. 92-89 that any competition or the impact of any competition be shown by Southern Bell. However, the Commission has determined that the issue of competition has been adequately addressed in this Docket through Order No. 91-595, and through the Commission's Order on Reconsideration, Order No. 91-866. Based on the Commission's previous decisions and

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discussion of the issues raised by both the Consumer Advocate and SCCTA, the Commission has determined that the separate Petitions for Rehearing and Reconsideration should be, and hereby are, denied.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)